

## **REMARKS**

The Examiner's removal of the finality of the Office Action is sincerely appreciated.

Claims 1, 4, 5, 8-11, 15, 17-27, 30, 31, and 33-45 remain in the case. It is submitted that these remaining claims are in condition for allowance.

Claims 12-14 were canceled to remove any issues of redundancy. Claim 46 was canceled to eliminate the objection to the drawings

As to the question of whether method claims 41, 42, and 44 included steps and thereby conformed to 35 U.S.C. § 101, it is submitted that these claims did include the requisite steps. Nevertheless, the step of locating the monitoring unit has been rewritten to place it in the more conventional form of a present participle. Thus, claims 41 and 44 now recite at least three steps in the form of present participles. Claim 42 has been revised to place all of its steps in the form of present participles. The error in the spelling of "simulate" has been corrected.

In regard to the rejection of all claims under 35 U.S.C. § 112, first paragraph, applicants respectfully traverse this rejection. It is submitted the test membrane does not define the flow chamber as it is a removable film that is placed on the support member and used to monitor the condition of the main membrane in the water purification system. In the present embodiment, the flow chamber is defined by the support member at the base of the flow chamber, and by the inspection window at the "roof" of the flow chamber. It is defined prior to the insertion of the test membrane and is most certainly not redefined by insertion of the test membrane.

In the description of the embodiment, the specification states on page 16 that the support member 16 is a substantially porous member that constitutes a base portion of

the flow chamber 12. Additionally, also on page 16, the flow chamber is said to be defined intermediate the support member 16 and the inspection window 20. The removable test membrane 24 (Fig. 1) is not included in this definition of the flow chamber. On page 12, line 12, the specification states that the test membrane may removably be placed on the support member. Thus, as described, the removable test membrane is not used to define the flow chamber.

The claims also do not define the flow chamber by the test membrane. For example, claim 1 provides “the support member constituting a base portion of the flow chamber such that feed fluid entering the flow chamber passes at least in part through the support member” and “the inspection window being oriented substantially parallel to and spaced from the support member such that the flow chamber is defined intermediate the support member and the inspection window.” Thus, as seen, both the specification and claims consistently define the flow chamber without reference to the removable test membrane. A skilled artisan, based on the teachings in the application, would be able to construct a monitoring unit having a flow chamber that could accommodate a test membrane. No skilled artisan would reasonably believe that a test membrane, defined as removable, would be permanently attached inside the flow chamber and used to define the flow chamber. It is submitted that no issue exists under 35 U.S.C. § 112, first paragraph.

Reconsideration and allowance of claims 1, 4, 5, 8-11, 15, 17-27, 30, 31, and 33-45 are respectfully solicited.

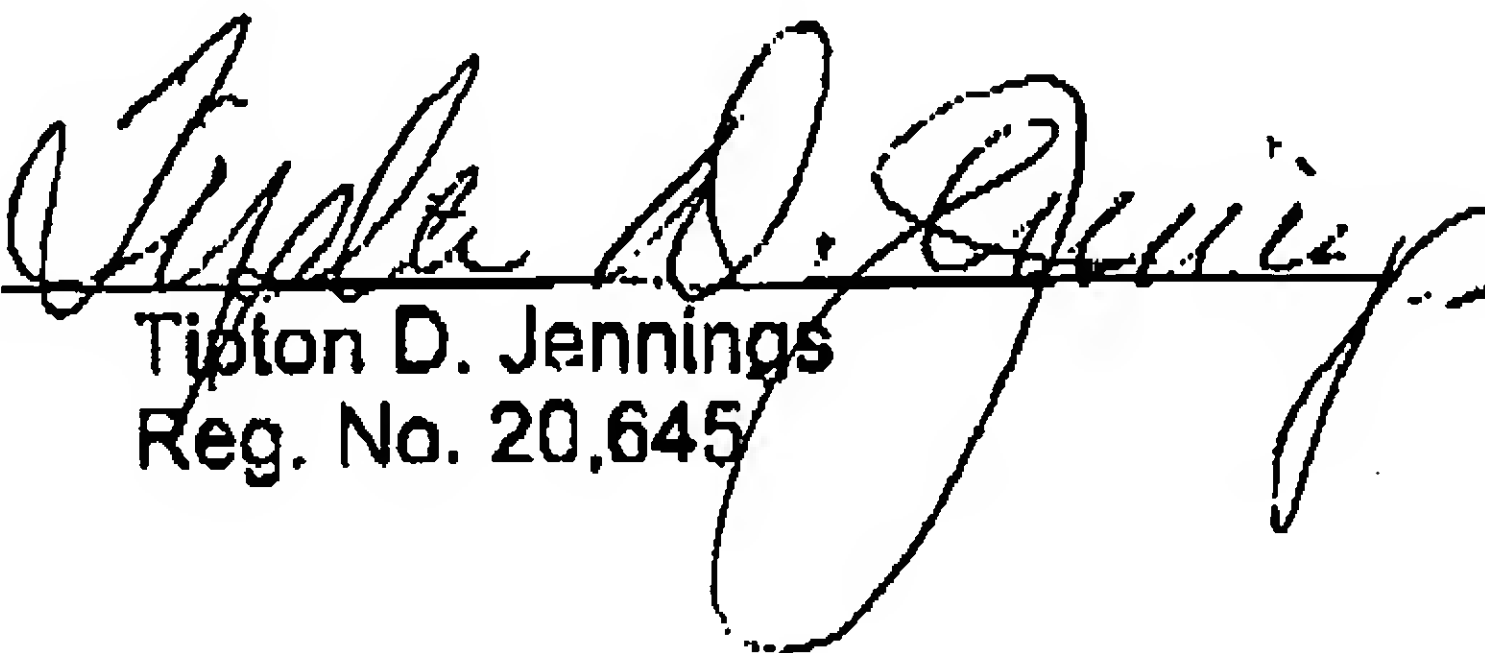
Please grant any extensions of time required to enter this response and charge any required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By:

  
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